FOX RUN LANDING, REPLAT 5

BEING A REPLAT OF LOT 116 AND A POTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

RECORDER'S INDEX
LOT: 116 AND 117
BLOCK:
SUBDIVISION: FOX RUN LANDING
SECTION: /TOWNSHIP: / RANGE:
ALIQUOT PART:
CITY: COUNCIL BLUFFS
COUNTY: POTTAWATTAMIE
PROPRIETOR: 92 INVESTMENTS, L.L.C.
REQUESTED BY: TALON DEVELOPMENT, L.L.C.
DATE OF FIELD SURVEY: JANUARY 16, 2023

OWNER:
92 INVESTMENTS, L.L.C.
535 WEST BROADWAY, SUITE 100
COUNCIL BLUFFS, IA 51503

DEVELOPER:
TALON DEVELOPMENT, L.L.C.
1305 BENSON ROAD
SIOUX FALLS, SD 57104

PREPARED BY: DAVID E. FORSYTHE, P.L.S., HGM ASSOCIATES INC., P.O. BOX 919, COUNCIL BLUFFS, IOWA 51502 (712)323-0530

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS THAT 92 INVESTMENTS, L.L.C., BEING THE SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED AS LOT 1 AND LOT 2, INCLUSIVE. SAID PROPERTY TO BE KNOWN AS FOX RUN LANDING, REPLAT 5.

AS PART OF THIS PLATTING, 92 INVESTMENTS, L.L.C. DOES HEREBY DEDICATE TO THE OWNERS, SUCCESSORS AND ASSIGNS OF LOT 1 AND LOT 2 A PERPETUAL STORM WATER FACILITY EASEMENT AS SHOWN AND DESCRIBED ON THE DRAWING.

AS PART OF THIS PLATTING, 92 INVESTMENTS, L.L.C. DOES HEREBY DEDICATE TO THE OWNERS, SUCCESSORS AND ASSIGNS OF LOT 1 AND LOT 2 A PERPETUAL ACCESS AND UTILITY EASEMENT AS SHOWN AND DESCRIBED ON THE DRAWING.

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT,

A. NO PRIVATE RESTRICTIONS AND/OR COVENANTS WILL BE A PART OF THE SUBJECT DEVELOPMENT.
B. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

IN WITNESS THEREOF, I DO HEREBY RATIFY AND APPROVE OF THIS PLAT ON THIS

_____DAY OF_____, 2023.

BY: _____
JOHN J. JERKOVICH MANAGING MEMBER
92 INVESTMENTS, L.L.C.

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS_____DAY OF_____, 2023, BY JOHN J. JERKOVICH, A MANAGING MEMBER OF 92 INVESTMENTS, L.L.C., AN IOWA LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES:

CITY COUNCIL

_____
APPROVED BY MAYOR: THE HONORABLE MATTHEW J. WALSH DATE

ATTESTED TO BY:

_____
CITY CLERK: JODI QUAKENBUSH DATE

_____
COMMUNITY DEVELOPMENT DIRECTOR: COURTNEY HARTER DATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN RIVER ROAD SUBDIVISION, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

_____
TREASURER OF POTTAWATTAMIE COUNTY, IOWA: LEA A. VOSS DATE

NOTE:

A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND THE INSTALLATION AND MAINTENANCE OF UTILITIES 5 FEET WIDE ALONG EACH SIDE OF INTERIOR LOT LINES AND 10 FEET IN WIDTH ALONG ALL FRONT AND REAR LOT LINES.

LEGAL DESCRIPTION

REPLAT OF LOT 116 AND A PORTION OF LOT 117, FOX RUN LANDING, A PLATTED SUBDIVISION IN THE CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 116, SAID POINT ALSO BEING THE NORTHWEST CORNER OF GATEWAY SUBDIVISION IN SAID CITY OF COUNCIL BLUFFS;

THENCE ON THE WEST LINE OF SAID GATEWAY SUBDIVISION, SOUTH 00 DEGREES 47 MINUTES 35 SECONDS WEST (BASIS OF BEARING), 1114.97 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH RIGHT-OF-WAY LINE OF MACINEERY DRIVE;

THENCE ON SAID EASTERLY PROLONGATION AND ON SAID NORTH RIGHT-OF-WAY LINE, NORTH 89 DEGREES 14 MINUTES 28 SECONDS WEST, 1097.26 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF COUNCIL POINTE ROAD;

THENCE ON SAID EAST RIGHT-OF-WAY LINE, NORTH 00 DEGREES 28 MINUTES 55 SECONDS EAST, 555.12 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF VETERANS MEMORIAL HIGHWAY;

THENCE ON SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

1) NORTH 41 DEGREES 50 MINUTES 29 SECONDS EAST, 90.77 FEET;
2) NORTH 65 DEGREES 29 MINUTES 13 SECONDS EAST, 1151.13 FEET TO THE POINT OF BEGINNING.

SAID REPLAT CONTAINS AN AREA OF 938,899 SQUARE FEET (21.554 ACRES), MORE OR LESS.

STORM WATER FACILITY EASEMENT SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

A. ERECTION OF STRUCTURES PROHIBITED: GRANTOR SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH SHALL NOT BE UNREASONABLY WITHHELD, PROVIDED HOWEVER GRANTOR SHALL HAVE THE RIGHT TO PLACE AND MAINTAIN A SURFACE ROADWAY OVER AND WITHIN THE EASEMENT AREA.

B. CHANGE OF GRADE PROHIBITED: GRANTOR SHALL NOT CHANGE THE GRADE, ELEVATION, OR CONTOUR OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER WHICH SHALL NOT BE UNREASONABLY WITHHELD.

C. RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHT OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA AS HEREIN DESCRIBED.

D. REMOVAL AND REPLACEMENT: WITH THE EXCEPTION OF EXISTING STRUCTURES, THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS EASEMENT, SHALL BE BORNE BY THE GRANTOR OR THEIR SUCCESSORS OR ASSIGNS.

E. SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING, AND REPLACEMENT OF GRANTORS SURFACED ROADWAY.

F. DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS SHALL BE REPAIRED AT NO EXPENSE TO GRANTOR AND TO GRANTOR'S SATISFACTION.

G. EASEMENT RUNS WITH LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON GRANTOR AND ON GRANTOR'S SUCCESSORS AND ASSIGNS.

PROFESSIONAL LAND SURVEYOR
DAVID E. FORSYTHE
25604
IOWA

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

FEBRUARY 14, 2023
DAVID E. FORSYTHE DATE
LICENSE NUMBER 25604
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2024.
PAGES OR SHEETS COVERED BY THIS SEAL:
SHEET 1 OF 2 SHEET 2 OF 2

FOR REVIEW

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hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEF drawn
DEF designed
DEF approved
FEB.'23 date
revision date

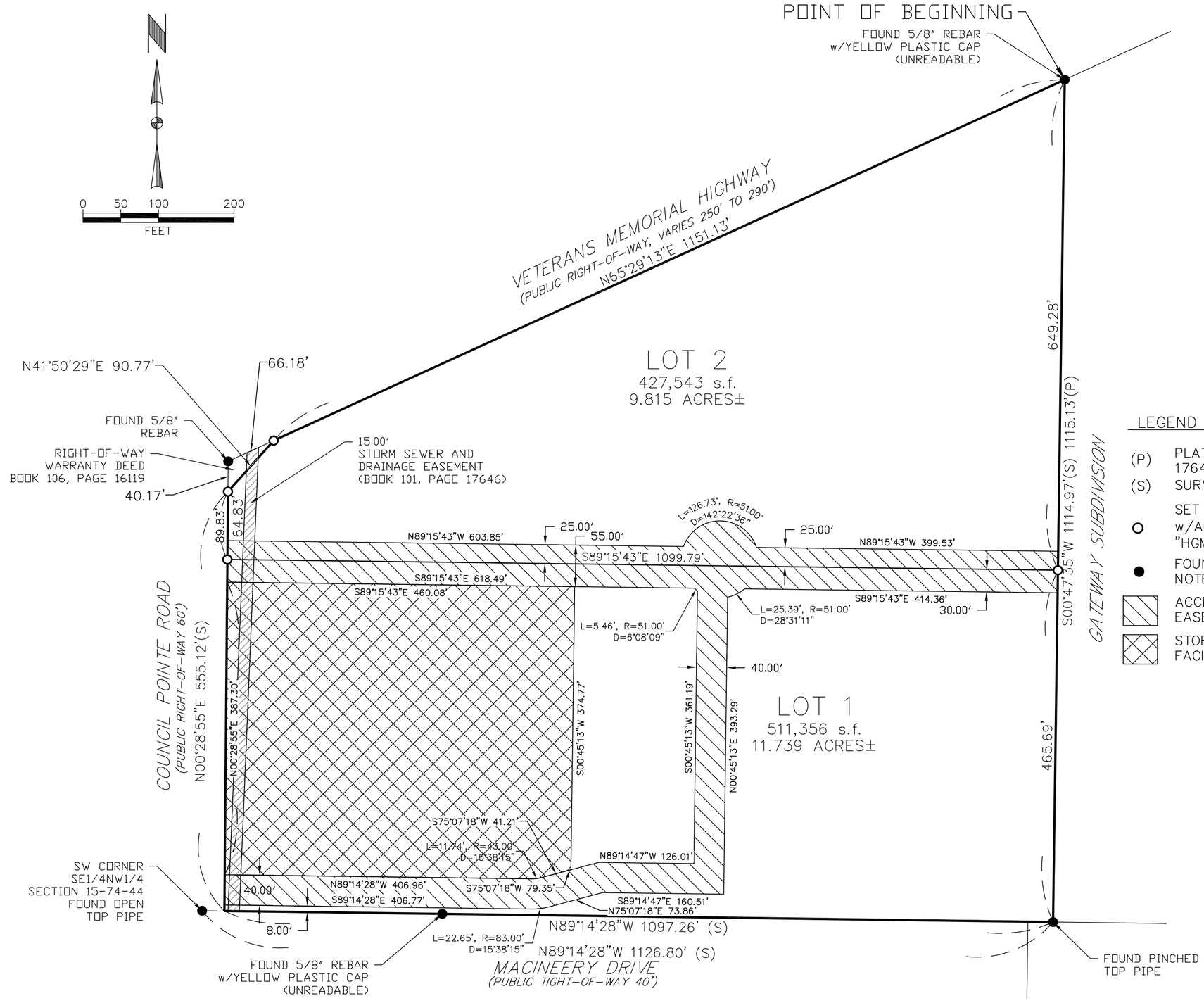
project: FOX RUN LANDING, REPLAT 5
REPLAT A PORTION OF LOTS 116 AND 117, FOX RUN LANDING, C.B., IA
client: TALON DEVELOPMENT, LLC
1305 BENSON ROAD, SIOUX FALLS, SD 57104
sheet: SUBDIVISION PLAT

project no. 112522
sheet 1 OF 2

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FOX RUN LANDING, REPLAT 5

BEING A REPLAT OF LOT 116 AND A POTION OF LOT 117, FOX RUN LANDING, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.



LEGEND

- (P) PLATTED BOOK 101, PAGE 17646
- (S) SURVEYED
- ○ SET 5/8" REBAR w/ALUMN. CAP MARKED "HGM ASSOC. PLS 25604"
- ● FOUND PIN AS NOTED
- ACCESS AND UTILITY EASEMENT
- STORM WATER FACILITY EASEMENT

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hgm ASSOCIATES INC.
ENGINEERING ARCHITECTURE SURVEYING
council bluffs omaha

DEF	DEF	DEF
drawn	designed	approved
		FEB.'23
		date
		revision
		date

project: FOX RUN LANDING, REPLAT 5
REPLAT A PORTION OF LOTS 116 AND 117, FOX RUN LANDING, C.B., IA

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sheet 2 OF 2

fb: hgm: 112522 S:\Survey\Drafting\112522_Talon-South Pointe Apartments\Engineering\Dwgs\Survey\112522_SUBDIVISION.dwg